

On March 12, 2009, James Christensen and John Sickels were convicted of 2nd degree sexual assault and sentenced to 25 years in prison with a mandatory minimum of 17.5 years. The families and supporters of Christensen and Sickels have been outraged and deeply disturbed by the many different ways the justice system in Iowa has wronged these men:

- **THE INVESTIGATOR:** Agent David Dales based his case on the accusations of the bartender and taped interviews with the two men during which Sickels initially lies about and eventually admits to having consensual sex with the woman while Christensen was out of the room. Dales released an inflammatory statement to the press that reported "handholding and shushing" on the part of Christensen, placing him at the scene, and alleging that he had admitted to this. The tapes prove that Christensen never made that statement. Under oath, Dales testified that Christensen did not make that statement. Additionally, when asked to present transcripts of his initial interviews with the bartender, Dales testified that the notes were destroyed and there were no recordings. His initial interviews with the accuser are summarized by the agent in a two paragraph report. The families of the two men filed a complaint of misconduct against David Dales and his investigation. It was reviewed by the Department of Public Safety and dismissed as unfounded, but the report of their findings was not made available to us. We would like an independent review of this investigation. In our opinion, Dales was clearly dishonest and by their lack of action, the DCI has implied that this is standard operating procedure.
- **THE PROSECUTOR:** During closing arguments at the end of an eight day trial, Judge Gamble sustained five objections from the defense and sent the jury out twice. Assistant AG Becky Goetsch misstated the law repeatedly, confusing the jury with her message that they must believe the defendants more than they believe the accuser in order to find them not guilty, clearly shifting the burden of proof in her zeal to capitalize on the only real evidence they had: the tapes. Judge Gamble stated when ruling on the motion for mistrial that there was, in fact, prosecutorial misconduct but it was "unintentional" and the state's attorney "apologized." The Iowa Court of Appeals also recognized that prosecutorial misconduct was present, but stated that the defendants failed to show that this misconduct affected the jury. The Iowa Supreme Court declined the case for further review. If prosecutorial misconduct is present and two men with no prior criminal history are sentenced to 25 years in prison- doesn't it bear further consideration?
- **THE JUDGE:** Judge Arthur Gamble, as a district court judge, assigned himself this case. During the trial, Gamble ruled not to allow the testimony of two witnesses who had first-hand knowledge of the bartender's behavior with another patron at her place of employment. The Rape Shield Law prevents defendants from bringing up a plaintiff's past sexual behavior, but allows testimony that shows related dishonest behavior. It was up to Judge Gamble's discretion to allow testimony that would show the bigger picture, and he did not allow it. In addition, when one juror had flight plans, Gamble made a statement that rushed the proceedings. He observed prosecutorial misconduct but did not see how that might affect the jury. Gamble ruled this highly publicized case in a conservative way that seemed reflective of public opinion. He used his ruling arguments as a writing sample in his application to the Iowa Supreme Court- the same

court that has recently declined to review the appeal. One cannot help but wonder if this judge's ambition might have affected his ability to oversee a fair and impartial trial.

We are not legal experts by any means. We are merely citizens who have had the misfortune to experience for ourselves that the justice system in Iowa is tragically flawed. We are seeking assistance from Iowa Legislators to come up with remedies for this ailing system of justice. Some possible suggestions:

- **Review of Iowa code 512.c – the Rape Shield Law.** This law is meant to protect victims and give them courage to report. But in situations where there is no physical evidence, such as this “he said- she said” case, the accused should be allowed to defend himself against the accuser. If there is past sexual behavior that indicates a pattern of dishonesty, it should be admissible as evidence. The way this law is interpreted, a man can be imprisoned on the word of one woman and extremely circumstantial evidence.
- **Review of mandatory minimum sentencing:** It seems outrageous that two men should spend 17.5 years behind bars because ONE of them had a few moments of drunken sex with a drunken bartender. This is the sentence reserved for sexual assault with a weapon, or assaulting a child. Not allowing judicial discretion to adjust a punishment to fit the crime is not justice, and is contributing to the overcrowding of our prisons.
- **Prosecutorial misconduct:** This is a growing problem that may be contributing to the wrongful convictions of many innocent people. Creating legislation that calls for a review of prosecutorial misconduct in the state of Iowa and forces prosecutors to be accountable would be a proactive way to improve the health of the justice system.
- **Transparency of government in the investigation of law enforcement agencies:** It is a real possibility that agent David Dales lied to make his case. We followed grievance procedures to no avail. How can law enforcement agencies be held accountable for their actions?
- **Review the system:** There are far too many pitfalls on the path to justice in the state of Iowa. Creating legislation to form an independent and impartial committee to study the system and make recommendations for changes in state laws and policies that allow for wrongful convictions seems like a good place to start.

It is our hope and prayer that these laws and policies will be updated to prevent other innocent people from spending time in prison. Until you have a family member who is behind bars for a crime they did not commit, it is hard to understand the devastation to the individual and the families. Please consider these requests to review the justice system in the state of Iowa.